C.S. 71 & 72.

19 34

Department of R & Sett

OFFICE of the Bd of Rev.

STATION Madras

Mis No. 365

B257 4.

Dated 31-1-34

To whom sent	Date	Initial
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(SUBJECT.)

Encroachment and (Sunkuvarasatram) Puttuvetti-
-yedumangala village - SNO, 1, 7, 3 - Arrack shop site.
Unauthorised occupation by Panchayat Bd by
erection of a school - Removal - Petitioner
claims it - Petition dismissed.

*Not to be filled in in the case of permanent records.

URGENT

Office of the President, Puttur
Taluk Board, Puttur, South Kanara
Dated 6.12.1933.

Ref Rec 3290/33

From

M. R. Ry. M. Shiva Rau, Avergal,
President, Puttur Taluk Board.

To

The Secretary to the Board of Revenue,
Chepauk, Madras.

Sir,

Abkari - Arrack shop - Puttur Taluk - A.S.No. 73 - Yadamangala - sanctioned site S.No. 54/A5B unauthorised occupation by the Panchayat Board Collector's order for removal - stay requested.

Abkari 8412 for 1933-34

The Yadamangala Panchayat Board has newly constructed a school building by public subscriptions on S. No. 54/A5B which appears to have been the sanctioned site for Arrack shop No. 73 in the village. The Collector has in his Proceedings Ref A7 4388 - 33 dated 4-10-33 ordered the removal of the school building. On a representation by the Board as to the hardship caused, the Collector in his Proceedings D. Dis No. 4388/33 dated 30th November 1933 wants the Panchayat Board to get a stay order from the Board of Revenue if he should desist from getting the encroachment removed. Hence this communication on behalf of the Panchayat Board which is in one of the interior villages of this backward taluk.

2. The site was inspected by the Deputy --- Inspector of Schools and approved by him. The building was thereafter built to a completion and occupied. It is a central place and there is no other suitable place in the village. For the Arrack shop on the other hand the hill from which the present site was selected is so extensive that there is ample space therein to select other sites for the shop. The interest of the shop will not suffer by change of site on the same hill

whereas educational interests will suffer if put up at so much expense even in these hard times, is to be removed. The Arrack shop too is a very petty one the average rental of which is the neighbourhood of --- barely Rs 2/- Representations have again been made to the Collector to reconsider his former order.

3. I request therefore that the Board of Revenue may be pleased to direct a stay of the Collector's order pending disposal of the Panchayat Board's further representations.

Your most obedient servant

B.G. 7.12. President.

C.F. 16—23,81,136—17-9-31. (6)

DRAFT FOR APPROVAL.

Enclosures.

Despatch No.

When given to fair copying

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When despatched

Office.

C Register No. 8412 A&C/33, dated

From The President
Puthm T.K. Board
Ref C No 3290/33 dt 6-12-33

Subject.

Shop - arrack - No 73, ~~Puthm~~ Yadamangala ~~S Kanara dt~~ - Puthm Tk - S. Kanara dt - Sanctioned To site S No 54/A5-B - unauthorised ~~The~~ occupation by the Panchayat Board. Coll's orders for removal

Ref:-

Referred to the Collr of S. Kanara for very early remarks

Dm 12.12.33

DN 12/12

To the Collr of S. Kanara with a petition to be returned

5 4

Ref. A--7--6693--33.

South Kanara Collector's Office,

Mangalore, dated 21st December 1933.

From

E. F. Gawne, Esq, I.C.S.,

Collector of South Kanara.

To

The Secretary to the Commissioner of Excise,

Madras.

Sir,

Abkari--Arrack shop--South Kanara District--Puttur Taluk--Vedamangala village--A. S. No. 73--Sanctioned site, S. No.54/A5B--unauthorised occupation by the Panchayat Board--order for removal--petition for stay order--report submitted.

Reference:- Commissioner's Reference C.R.No. 9412-Abk--33 dated 12th December 1933.

S. No. 54/A5B of Vedamangala village was sanctioned in this office proceedings F. Dis. 7388--33 dated 12th December 1930 for locating the shop A. S. No. 73 Vedamangala permanently and the plot was transferred to liquor shop poramboke. A copy of the above order was also communicated to the President, Taluk Board. In about the beginning of this year, the Panchayat Board of Vedamangala though warned in time by the Revenue Department, entered unauthorisedly on the land and has constructed a school building upon it necessitating the location of the arrack shop elsewhere. The Puttur Tahsildar's report M. Dis. 6646--33 dated 16th September 1933 filed at page 5 of my office D. Dis. 4388--33/30th November 1933 would show that this action of the Panchayat Board was a deliberate attack on the Revenue Department. I thereupon called upon the Board on 4th October 1933 to remove the school building within a month from the above date failing which steps would be taken for its removal under the Land Encroachment Act. The Board failed to carry out my order and urged for a reconsideration of my above order. I replied that it should get a stay

order from the Board, if the order regarding the institution of encroachment proceedings is not to be carried out.

2. The President, Taluk Board, Puttur, in his letter dated 6th December 1933 urges the retention of the school on the present site on the ground that the school has already been constructed that there is ample space elsewhere for the location of the arrack shop, and that this shop is a petty one. No doubt the shop is a petty one paying a monthly rental of Rs.1-4-5 and has been closed since 1931--32. In view of the fact that the Panchayat Board was given due notice I was not willing to concede that a fait accompli should also be a fact for given. I do not doubt however that if the arrack shop is re-opened, another site could be found for it. That was not the point in dispute

3. The records of this office F. Dis. 7388-1930 and D. Dis. 4988--33 dated 30th November 1933 and the petition received with your reference are enclosed.

Your obedient servant,

Collector.

Encroachment - Land - (South Kanara

uttur TK - yedamangala village -

SN ⁰/₀ 54 | A 5 D - Arrack - shop site -

unauthorised occupation by Panchaya

Bd by construction of a school -

Removal - President, Puttur TK Bd -

Petition - Allowed

pp 1-2 cf letter Petition ⁹/₆·12·33 from the President, Puttur Bd — Letter to the Commr of Excise from the

p 5 cf Coll^r of South Kanara Rey A-7-6693/33 ⁸/₂₁ ½

pp 1-3 cf Excise Commr's C.R 8412/A 6 R-335/9 ¼

Res No 365 ⁸/₃₁·1·34 by which the proposal was reserved

As the arrack-shop is a petty one and is at present non-existent, the Bd considers that the land in question should be alienated in favour of the Taluk Bd for the construction of a school. The Coll^r is accordingly requested to submit alienation proposals if it exceeds his power of sanction.

2. The collector is also requested to inform the Taluk Bds. that the Bd of Rev. L & Sett has adopted this course with great reluctance, that it is only the petty nature of the arrack-shop that has influenced its decision and that it views with severe

wrongly and

— disapproval the underhand way

in which they ~~Taluk Bd has~~ have acted.

HW 3/ 19.1.34 The President ~~Taluk Bd~~, Puttur Taluk Board,

is referred to the Collr of South Kanara

for orders on this petition.

2/ 30-1-34

Issued 1.2/31

AW 29/1

AW 1.34.

To.

The Collr of South Kanara with

el Collr's DF Dis 1388/1930

& (2) D.Dis 4388/338/30 11/33

Records file(1)(2) relating to above query to Deputy NW 2.2.34

Adm Section

Copy to the Secretary to the

Commr of Excise

To

The President, Puttur Taluk Board

Puttur, South Kanara

Pt (Para 3 only)

Note-file

C.R. 8412/Alk.33.

S/C

South Kanara Dt - Puttur Tk - site allotted for A.S. No. 73 - unauthorised encroachment by Taluk Bd.

Please see letter from the Presdt. Taluk Bd. Puttur, at pp 1-2 c/f & the remarks of the C/Mr. of S. Kanara thereon at pp 4-5 c/f. Kadamangala Panchayat

The action of the Bd. authorities in having constructed a school building in the site allotted for the anaek ship, in spite of timely warning is a deliberate encroachment & the Collector has rightly directed them to vacate the site on pain of institution of encroachment proceedings.

The point for consideration is that the encroachment, once it is established, cannot be allowed to be regularised.

If the attempt is to be given at this stage it should be by the Bd. & not Govt.

The ship is of course highly essential for the defence of the country and if required at any subsequent date it is the Govt. that should have the site & it should be cleared for it.

But that is not the point at issue. The bill was introduced for the ship for the current year despite a decree issued as early as Dec 1933 the Panchayat proceeded deliberately encroached upon and upon the land reclaimed and constructed thereon the shop had consequently. Consequently to be taken in view then the panchayat did. The civil suit which may to conclude that a part also should also be a part forgiven. However the Panchayat to vacate the site the question is one for BD & R to decide and the papers may be forwarded to him for disposal.

S/o
D.I. 24.

Yes I agree with the Collector. Important that these shops are closed

to the one of the shops which the Collector has proposed to close & which the A.E. wants to be reopened I have written a letter about Pullan Arrack shops a

Note Contd:

The shop C.A.S. 93 Kadamangalam, Puthuvike working for the current lease + its rental 5/- per annum. The A.E. has recommended to shop. closure for the next lease has been recommended by the A.E. + supported by

B259

by the Collr.

the Connected file is linked below

10 JAN 1934

To Board. Land. Revenue and Settlement (with Collr. D.Dis 4388/33 dt 30-11-33 + T.Ps 7328/33)

9.1.34

Encroachment - Land - (South Kanara) * -
Puttur taluk - ~~reserves~~ - yedamangala village
SNo. 54/A5B. Arrack-shop site - unauthorised
occupation by Panchayat Board by the construction
of a school - Removal - President, Puttur taluk
Bd - Petition.

M1
C/8
A.S(H.R)
Jeno/84

B 259/34 p 3 n.f above

A.S(h.R)

Please see the letter from the President, Puttur Taluk Bd, at pp 1-2 cf, the reference thereon, made to the collr of South Kanara by the Commissioner of Excise at p 3 cf and the collector's reply thereto at pp 5-6 cf

2 The facts of the case are contained in the collector's letter at pp 5-6 cf It is true that the action of the Panchayat Bd in entering unauthorisedly upon SNo 54/A5B reserved for the Arrack shop and constructing on it a school building is deliberate and illegal. The collr reports that the shop is a petty one and that it has been closed since 1931-32. He is also of opinion that another site can be found in case the arrack is to be reopened But he, however, is not willing to countenance the action done by the Panchayat Bd Hence his order to the Panchayat Bd to vacate the land Attention is invited to the notes at p 3 n.f in which the Commissioner of Excise states that it is for the (Bd of Rev) Land Revenue to decide whether the l

para 1 pp 5-6 cf

vide Taln's report at p 11 of (G)

para 2, p 6 cf

pp 13-14 cf (G)

bodies are to get away with it — The President Taluk Bd, Puttur, reports that the building on the land has been completed and occupied, and that the site is a central place and that there is no other suitable place in the village. He also adds that the building was constructed at much cost. The collr does not report what the cost of the building is. He may be requested to report on this point

In view of the allegation referred to above and in view of the fact that another site can be had for the location of the barrack shop, if it is required, it is for consideration whether the site in question, may not be alienated in favour of the Panchayat Bd for the purpose of a school and if so to submit alienation proposals if it exceeds his power of sanction. For that case order may be of the collector's order directing the removal of the building may also be issued. Draft orders

Portion marked 'A' at p-1 of D

collr may not be requested to state whether the

19.1.34

The Collr & the Commr of Esteve think that the action of the Panchayat Board is improper & high-handed & that it should not be allowed to get away with it. On principle it does not appear to be desirable to allow the occupation of the land by the Panchayat Board. ~~Forbidden~~ The Collr has asked the Pleader to take steps for the removal of the buildin

24/1

I

This action may be approved & the petn for relay from the Pentonville Valuation Bd dismissed

24/1/34

SECY.
7 JAN 1934

S

I am inclined to agree with S. It is much against my inclination that the attack should on such a petty matter in fact non-existent, that I do not think one should allow dignity to stand in the way. The C and Estate Duty T.B. building was first started. That the P.C. has adopted this Committee's reluctance that it is only the petty nature of the shop that has influenced its decision. It views with disapproval the underhand way in which the T.B. has acted

It is undoubtedly great cheek on the part of the Pentonville Bd. but to demolish a perfectly good school to safeguard the needs of an abolished liquor shop which may never be reopened and for which the C reports another site can be found, would be to play into the hands of the critics of Govt.

If the local revenue authorities were really keen on the purchase of the dept they should have taken eviction proceedings when the

The Pentonville Bd has been a little too clever for the local revenue officers and we must admit it and alienate the land

If the local revenue authorities want long enough the Pentonville Bd is bound to put its foot in it in some way or the other and they can take it out of the P. Bd if their nerves are long enough.

AW
25.1.34

M1